

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY HUNTER, #135890,

Plaintiff,

v.

CIVIL NO. 5:09-CV-10299
HONORABLE JOHN CORBETT O'MEARA

MICHIGAN DEPT. OF CORR., et al.,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR REIMBURSEMENT

Before the Court is Plaintiff's letter request for reimbursement of filing fees regarding his 2009 civil rights action under 42 U.S.C. § 1983. The Court granted his application to proceed without prepayment of costs and fees, allowing him to pay the full filing fee in installments. The Court has since dismissed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A for failure to state a claim upon which relief may be granted and ruled that an appeal cannot be taken in good faith. The Court has also previously denied Plaintiff's request to relieve himself from payment of the \$350.00 filing fee until he has been released on parole due to limited prison funds. In his motion, Plaintiff asserts that the Court is withdrawing more than 20% of his account balance to cover the required installments.

Under the Prison Litigation Reform Act ("PLRA"), a prisoner who qualifies to proceed *in forma pauperis* in a civil rights action is liable for the \$350.00 civil action filing fee and must pay the fee through partial payments as outlined in 28 U.S.C. § 1915(b). The PLRA requires an indigent prisoner to pay an initial payment of 20% of the greater of the prisoner's average balance or the average deposits for the preceding six months. The prisoner is then required to

pay monthly installments of 20% of the income credited to his or her account in the previous month until the whole filing fee is paid. The records attached to Plaintiff's motion do not show that this procedure has been violated. Plaintiff is not entitled to any reimbursement or refund and is liable for the full filing fee. Plaintiff's motion is therefore **DENIED**.

IT IS SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: October 23, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 23, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager